

HOUSE BILL 3122
By Hood

AN ACT to amend Tennessee Code Annotated, Title 37;
Title 38; Title 39; Title 40; Title 44; Title 68 and
Title 71, relative to cross reporting of animal
cruelty and child abuse.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 38, Chapter 1, is amended by adding
sections 2 through 4 as a new part 5 thereto.

SECTION 2.

§ 38-1-501.

As used in this part:

(1) "Animal" means a domesticated living creature or a wild creature previously
captured;

(2) "Child" means a person who is under eighteen (18) years of age or who is
reasonably presumed to be less than eighteen (18) years of age;

(3) "Cruelty," "abuse," and "neglect" means every act, omission, or neglect
whereby unreasonable physical pain, suffering, or death is caused or permitted;

(4) "Reasonable suspicion" means that it is objectively reasonable for a person to
entertain a suspicion, based upon facts that could cause a reasonable person in a like
position, drawing when appropriate on his or her training and experience, to suspect
animal cruelty, abuse, or neglect; and

(5) "Owner" means any person who is the legal owner, keeper, harborer,
possessor, or the actual custodian of an animal. "Owner" includes corporations as well
as individuals.

SECTION 3.

§ 38-1-502.

(a) Any employee of a county child or adult protective services agency, while acting in a professional capacity or within the scope of employment, who has knowledge of or observes an animal whom the person knows or reasonably suspects has been the victim of cruelty, abuse, or neglect, shall report the known or reasonably suspected animal cruelty, abuse, or neglect to the entity or entities that investigate reports of animal cruelty, abuse, and neglect in that county.

(b) Any employee of a county entity that investigates reports of animal cruelty, abuse, and neglect in that county, while acting in a professional capacity or within the scope of employment, who has knowledge of or is called upon to render aid to any child who is suffering from or has sustained any wound, injury, disability, or physical or mental condition shall report such harm immediately, if the harm is of such a nature as to reasonably indicate that it has been caused by brutality, abuse, or neglect, or that on the basis of available information reasonably appears to have been caused by brutality, abuse or neglect.

(c) Any such person with knowledge of the type of harm described in subsection

(b) shall report it, by telephone or otherwise, to the:

(1) Judge having juvenile jurisdiction over the child;

(2) Department of children's services, in a manner specified by the department, either by contacting a local representative of the department or by utilizing the department's centralized intake procedure, where applicable;

(3) Sheriff of the county where the child resides; or

(4) Chief law enforcement official of the municipality where the child resides.

(d) If any such person knows or has reasonable cause to suspect that a child has been sexually abused, the person shall report such information in accordance with § 37-1-605, relative to the sexual abuse of children, regardless of whether such person knows or believes that the child has sustained any apparent injury as a result of such abuse.

(e) The report required under subsection (a) may be made within two (2) working days of receiving the information concerning the animal by facsimile transmission of a written report presented in the form described in § 38-1-503 or by telephone if all of the information that is required to be provided pursuant to § 38-1-503 is furnished. In cases where an immediate response may be necessary in order to protect the health and safety of the animal or others, the report may be made by telephone as soon as possible.

(f) Nothing in this section shall be construed to impose a duty to investigate known or reasonably suspected animal cruelty, abuse, or neglect.

SECTION 4.

§ 38-1-503.

(a) Reports made pursuant to § 38-1-502 (a) may be made on a preprinted form prepared by the entity or entities that investigate reports of animal cruelty, abuse, and neglect in that county that includes the definitions contained in § 38-1-501 and a space for the reporter to include each of the following:

- (1) His or her name and title;
- (2) His or her business address and telephone number;
- (3) The name, if known, of the animal owner or custodian;
- (4) The location of the animal and the premises on which the known or reasonably suspected animal cruelty, abuse, or neglect took place;

(5) A description of the location of the animal and the premises;

(6) Type and numbers of animals involved;

(7) A description of the animal and its condition; and

(8) The date, time, and a description of the observation or incident which led the reporter to suspect animal cruelty, abuse, or neglect and any other information the reporter believes may be relevant.

(b) When two (2) or more employees of a county child or adult protective services agency are present and jointly have knowledge of known or reasonably suspected animal cruelty, abuse, or neglect, and where there is agreement among them, by mutual agreement. A report may be made by one person. Any reporter who has knowledge that the person designated to report has failed to do so may thereafter make the report.

(c) Nothing in this part shall be construed as prohibiting the shooting of birds or game for the purpose of human food or the use of animate targets by incorporated gun clubs.

SECTION 5. This act shall take effect July 1, 2006, the public welfare requiring it.